



Best Available Copy

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,603	07/22/2003	Haike Guan	R2180.0162/P162	5830
24998	7590	01/25/2008	EXAMINER	
DICKSTEIN SHAPIRO LLP			ROGERS, SCOTT A	
1825 EYE STREET NW			ART UNIT	
Washington, DC 20006-5403			PAPER NUMBER	
			2625	
			MAIL DATE	
			DELIVERY MODE	
			01/25/2008	
			PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/623,603

Applicant(s)

GUAN ET AL.

Examiner

Scott A. Rogers

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-33, 45-57 and 59 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 10-19, 21-30, 32, 33, 45-57 and 59 is/are rejected.
- 7) ☒ Claim(s) 6-9, 20 and 31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Double Patenting***

The non-statutory obvious type double patenting rejections laid out in the prior Office Action with respect to US Patents No. 6901236 and US Patent Appl. Nos. 10/982976 and 10/738139 are held in abeyance until the claims in this application are otherwise in condition for allowance. There was a typographical error in the non-statutory obvious type double patenting rejection with respect to US Patent Appl. No. 10/992924. That rejection was intended to be with respect to US Patent Appl. No. 10/922924. This rejection is also now held in abeyance until the claims in this application are otherwise in condition for allowance.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim s1-3, 5, 12-14, 16, 23-25, 27, 45-47, 48, 56-57, and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsunoshita (US 7227661 B2) in view of JP 2001-130124A.

Referring to claims 1, 12, 23, and 45:

Matsunoshita discloses storing an anti-copy background pattern (reference patterns of Figs. 5D and 5E), providing image data of an original image (input to part 220), detecting a first background pattern embedded in a background image included in the image data of the original image (function of part 224), comparing the detected first background pattern with the stored anti-copy background pattern (function of part 224); and determining whether the detected first background pattern is substantially identical to the stored anti-copy background pattern (function of part 236). See Fig. 8-9 and col. 17, line 34 to col. 18, line 30 and col. 19, line 50 to col. 22, line 9.

Referring to claims 2-3, 13-14, 24-25, and 46-47:

Matsunoshita discloses the image data is data obtained by a reading of the original image with an original reading apparatus, wherein the original reading apparatus is a scanner included in an image processing apparatus. See scanning part 5.

Referring to claims 5, 16, 27, and 49:

Matsunoshita discloses comparing a quantitative characteristic of the detected first background pattern with a quantitative characteristic of the anti-copy background dot pattern. See col. 20, line 35 to col. 21, line 37.

Referring to claims 56, 57, and 59:

Matsunoshita discloses the first background pattern is generated together with the original image. See image generated by image composing part 522.

Referring to all the above claims:

While Matsunoshita does not disclose using a dot pattern as the background pattern, the use of background dot patterns for copy protection is known. JP 2001-130124 A teaches a microslit dot pattern formed along the drawing line of the background images to detect an unauthorized copy.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Matsunoshita to have used a background dot pattern as taught in JP 2001-130124 A in order to enable easy detection of an unauthorized copy.

***Allowable Subject Matter***

Claims 6-9, 20, 31, 42, and 53 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott A Rogers whose telephone number is 571-272-7467. The examiner can normally be reached Monday through Friday 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Coles can be reached at 571-272-7402.

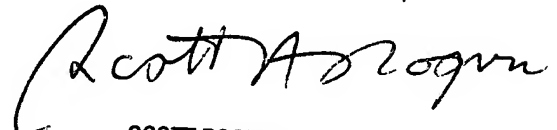
Application/Control Number:  
10/623,603  
Art Unit: 2625

Page 5

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to TC2600 Customer Service at 571-272-2600. Official correspondence by facsimile should be sent to 571-273-8300. The USPTO contact Center phone numbers are 800-PTO-9199.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

21 January 2008



SCOTT ROGERS  
PRIMARY EXAMINER